

## CIVIL DOCKET

COOK

UNITED STATES DISTRICT COURT

Jury demand date: 8-6-74 (def. Tollesons)  
1-10-75 (Defts. Hatchett & Hatchett)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>Nationwide Mutual Insurance Company, A Foreign Insurance Company,</p> <p>Complainant,</p> <p>vs.</p> <p>Billy M. Hatchett, Sr., Billy M. Hatchett, Jr., Terry M. Tolleson, Patsy L. Tolleson and Roy T. Pearson and Margaret Pearson, parents and next of kin of Roy T. Pearson, II, Deceased,</p> <p>Defendants.</p>		<p>For plaintiff:</p> <p>Laurence J. Yadon, II Thomas L. Palmer 520 Center Office Building Tulsa, OK 74127 585-2448</p> <p>For defendant:</p> <p>Ed R. Crockett (Billy M. Hatchett, Sr. &amp; Billy M. Hatchett, Jr.) 3733 E. 31st St. 749-5265 Tulsa, OK 74135</p> <p>Donald E. Herrold (Tollesons) <del>Houston, Davidson, Jacoby, Main &amp; Nelson</del> <del>900 Sooner Federal Bldg 4815 S. Harvard</del> <del>Tulsa, Okla. 74103 (583-2131) Suite 434</del> Gerard K. Donovan (Pearson) 749-5711 700 Mid-Continent Bldg Tulsa, Ok 74103 582-3164</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-74	Clerk	6-25-74	Palmer	15.00	
		6-27-74	C/D #52		15 00
J.S. 6 mailed 7-1-76	Marshal				
Basis of Action: Declaratory Judgment 28:2201 ff	Docket fee				
	Witness fees				
Action arose at:	Depositions				

Sheet No. 1, Page No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-25-74	1. Complaint filed and summons issued. v	
7-18-74	2. Answer of Defs. Billy M. Hatchett, Sr. and Billy M. Hatchett, filed.k	
7-25-74	Summons, ret. & filed: served Margaret Pearson, Roy T. Pearson, Billy M. Hatchett, Jr., Billy M. Hatchett, Sr., on 6-27-74; served Patsy L. Tolleson and Terry M. Tolleson on 7-23-74. (USM \$44.52)g	
8-6-74	3. <u>ANSWER</u> of defs. Terry and Patsy Tolleson, filed, <u>w/demand for jury trial.</u> rm	
8-15-74	4. <u>ANSWER</u> of defts. Roy T. Pearson & Margaret Pearson parents & next of kin of Roy T. Pearson, II, deceased, filed. b	
9-4-74	MO: Parties are directed to hold a pre trial conference on or before 10-16-74 & file PT order on or before 10-23-74. (AEB-J)k copies maile by certified mail	
10-8-74	Subpoenas issued. v	
10-10-74	Return on U.S. Marshals service, subpoena, filed. Served Michael C. Crisp at Tulsa, OK on 10-9-74 w/ fees of \$5.24; served Susan Payton Crisp at Tulsa, OK on 10-9-74 w/ fees of \$2.00. k	
10-30-74	Deposition of Michael C. Crisp on behalf of pltf., filed. (Fees: \$34.50 pd. by pltf.)hm	
11-11-74	Deposition of Susan Carol Crisp on behalf of pltf., filed. Taken before Patricia Walker, LSR w/ fees of \$60.00 paid by pltf. k	
12-6-74	MO: Case set for disposition on 12-10-74 at 10:30 a.m. for failure to file PT Order (due 10-23-74). (AEB-J)k cps by cert. mail	
12-10-74	Case called for disposition for failure to file PT Order. Pltf. not represented. Deft. represented. Parties given 10 days to file PT Order.(12-20-74) (AEB-J)b	
12-18-74	Deposition of Lester Solomon, filed. (\$86 pd by pltf.)g	
12-19-74	5. Pltf's Application for Extension of Time, filed.lm <i>o2g</i>	
12-20-74	6. Order, filed, ext. time to file pre-trial order to 12-29-74. (AEB-J)g <i>mailed</i>	
12-24-74	7. Appl. for leave to file amended answer, filed. v -o as part of appl all to Judge.	
12-24-74	Order, filed, granting Defts. Tolleson leave to file Amended Ans. (AEB-J)k cps mld.	
12-24-74	8. Amended ans. of Defts. Terry M. & Patsy L. Tolleson, filed.k	
1-10-75	9. Appl. and ORDER granting Defts. Billy M. Hatchett, Sr. and Billy M. Hatchett, Jr., leave to file their Amended Answer, filed. (AEB-J)v	
1-10-75	10. AMENDED ANS. of Defts., Billy M. Hatchett, Sr. and Billy M. Hatchett, Jr., filed. <u>JURY TRIAL DEMANDED.</u> v	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-21-75	11. APPL'N. of pltf for ext. of time from 1-20-75 to and including 2-9-75, filed. (o to J)	
1-22-75	12. Order, filed, granting pltf. until 2-9-75 to file pre-trial order. (AEB-J)g <i>Ward</i>	
1-22-75	Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k	
2-14-75	13. APPLICATION for extension of time, filed. lm (o to J)	
2-14-75	14. Order, filed, granting pltf. until 2-28-75 to file pre-trial order. (HDC-J)hm (copies mailed)	
3-12-75	15. Appl. of pltf. for ext. of time to file PT order, filed.rm 0	
3-13-75	16. Order, filed, granting pltf. 7 days from 3-12-75 to file PT order, or 3-19-75. (No further extensions to be granted). (HDC-J)hm (copies mailed)	
3-20-75	MO: Case set for pre-trial hearing 4-1-75 at 1:30 p.m. (HDC-J)hm	
3-28-75	17. Motion for S/J of defts. Tolleson and Tolleson, filed. hm	
3-28-75	18. Memorandum of points and authorities in support of motion for S/J, filed. hm	
3-28-75	MO: Ordered that pltf. is directed to file responsive brief within 10 days to motion for S/J of defts. Tolleson & Tolleson. (HDC-J)hm	
3-31-75	19. Defts. Billy M. Hatchett Sr. & Billy M. Hatchett, Jr.'s Motion for S/J, filed adopting brief in support of defts. Tolleson's Mot. for S/J. k	
3-31-75	MO: It is ordered by the Court that pltf. is granted ten (10) days from this date to respond to defts. Hatchett's Mot. for S/J. (HDC-J)k cps mld	
4-1-75	MO: Pre-trial hearing held. Statements made. Defts. Pearson join in motion for S/J filed by co-defts. Court grants parties 10 days to file stipulation of facts and grants defts. 10 days to file any affidavits or documents pertaining to motions for S/J. Pltf. given 10 days after stipulation filed to file response to motions for S/J. Pltf. to prepare PT order within 20 days from this date. (HDC-J)hm	
4-11-75	20. Amended Motion for Summary Judgment w/Exhibits attached, filed. mm	
4-21-75	21. Deft's Application to Settle Pre-Trial Order, filed. mm	
4-24-75	22. Plf. Application for Extension of Time, filed. mm	
4-24-75	23. Order filed Granting Plf. Extension of Time to and including 5-5-75, filed. (HDC-J) mm <i>exp mld</i>	
4-30-75	24. First Interrog. to Pltf., filed.k	
5-6-75	25. Appl. of pltf. for ext. of time to respond to mot. for S/J, filed. g <i>ctg</i>	

(over)

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-8-75	26. Order, filed, granting pltf. until 5-19-75 to file response to motion for S/J. (HDC-J)hm (copies mailed)	
5-19-75	27. Pltf's applic. for ext. of time, filed. hm	
5-20-75	28. Order, filed, granting pltf. until 5-23-75 to file response to motion for S/J. (HDC-J)hm (copies mailed)	
5-27-75	29. Motion by Complainant Nationwide Mutual Insurance Company for Summary Judgment, filed. mm	
5-27-75	30. Memorandum of Points and Authorities in Support of Motion for Summary Judgment, filed. mm  MO: It is ordered by the Court that the Defendant file a responsive brief within 10 days to the motion by complainant Nationwide Mutual Insurance Company for summary judgment.	
5-30-75	31. Notice of Change of Mailing Address of Attorney for Defendants, Terry M. Tolleson & Patsy L. Tolleson, filed. mm	
5-30-75	32. Application for Extension of Time by Complainant, Nationwide Insurance Company, filed. mm <i>o to J</i>	
5-30-75	33. Order, filed, granting pltf. until 6-25-75 to respond to interrog. of Tolleson & Tolleson. (HDC-J)hm (copies mailed)	
6-2-75	34. Application for Extension of Time by the Defendants, Billy M. Hatchett, Sr., & Billy M. Hatchett, Jr., filed. mm <i>the Court is granting it per the order</i>	
6-3-75	35. APPLI. for ext. of time by defts. Terry M and Patsy L. Tolleson until 7-8-75. lm (o to J)	
6-3-75=	36. Order, filed, granting defts. Tolleson & Tolleson until 6-26-75 to respond to pltf's mo. for S/J. (HDC-J)hm (copies mailed)	
6-3-75	37. Order, filed, granting defts. Hatchett & Hatchett until 6-26-75 to respond to pltf's mo. for S/J. (HDC-J)hm (copies mailed)	
6-17-75	38. ANSWERS TO INTERROGS. by complainant Nationwide Mutual Insurance Company, filed. lm	
6-25-75	39. Defts.' Application for ext. of time, filed. lm (o to J)	
6-26-75	40. Order, filed, granting defts. T.M. Tolleson & Patsy L. Tolleson until 7-7-75 to respond to pltf's mo. for S/J. (HDC-J) sw (copies mailed)	
6-26-75	41. Appl. of defts. Hatchett Sr. & Jr. for 30 days to respond to pltf's motion for S/J, filed. k <i>o to J</i>	
6-27-75	42. Order, filed, that defts. Billy Hatchett Sr. & Billy Hatchett Jr. be granted 30 addtl. days from 6-26-75 to file response to Mtn. for Summary Judg. of Complainant (7-26-75)HDC-J jj.	

CONTINUED

*Copies mailed*

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-272</u>
Nationwide Mutual Ins. Co. et al		Billy M. Hatchett, Sr., et al	PAGE <u>5</u> OF <u>3</u> <del>pages</del> <u>shts</u>
DATE	NR.	PROCEEDINGS	
7-7-75	43.	Responsive memorandum of defts. Terry M. & Patsy L. Tolleson, filed. k	
7-17-75	44.	Responsive memorandum of Defts. Billy M. Hatchett, Sr., and Billy M. Hatchett, Jr., filed. v	
9-30-75	MO:	Case set for hearing on motion for S/J of defts. Tolleson & Tolleson; motion for S/J of defts. Hatchett & Hatchett; amended motion for S/J of defts. Hatchett & Hatchett; defts' applic. to settle PT order and motion for S/J by complainant on 11-5-75 at 2:00 p.m. (HDC-J)hm	
11-5-75	MO:	Case called for hearing on all pending motions. Statements made. Pltf. allowed to add party pltf., if desired. Pltf. to prepare and file an agreed-to PT order within 20 days. Motions for S/J to be set for hearing at a time certain after filing of PT order. (HDC-J)hm	
11-25-75	45.	Appl. for ext. of time to file pretrial order, filed. g	
11-25-75		Order, filed, (part of appl.) granting pltf. until 12-10-75 to file PT Order. (HDC-J)g cpies mld.	
12-12	46.	Suppl. memo. in support of defts.' mot. for S/J, filed. v	
12-26	47.	Complainant's Proposed Pre-Trial Order, filed. tc 0-3	
12-29	48.	Proposed pre-trial order of defts., filed. hm	
2-25-76	MO:	Case set for oral arguments on all motions for S/J 6-9-76 at 10:00 a.m. (HDC-J)hm (notices mailed)	
6-9	MO:	Hearing held on all pending motions for S/J. Statements made by all counsel. Case submitted to Court for decision on exhibits, briefs and after oral arguments. Court makes findings and rules that defts' motions for S/J are all sustained & that petition of pltf. be denied. Defts. to prepare order. Defts. given 10 days to file motion and brief for atty. fees. (HDC-J)hm	
6-15	49.	Brief of defts. Billy Hatchett, Sr., and Billy M. Hatchett, Jr., supporting request for attorney fees, filed. ph	
6-15	-	Partial trans. of proceedings had on 6-9-76, hearing on various motions, filed. ph	
6-15	MO:	It is ordered by the Court that the Pltf. file a resp. brief within 10 days to Defendants., Billy M. Hatchett, Sr., and Billy M. Hatchett, Jr.'s Brief supporting request for Attorney fees. (HDC-J)ph ltr mld	
6-18	50.	Brief of defs. Pearsons supporting request for atty fees, filed. rm	
6-18	51.	Motion of Nationwide to set aside SJ in favor of def. under Rule 59, filed. rm	
6-18	52.	Brief in support of mo/set aside SJ, filed. rm	
6-21	MO:	Ordered by the Ct. that defs. are granted 10 days in which to respond to mo/set aside SJ of pltf. (HDC-J)rm	
6-21	53.	Appl. of defs. Tollesons for atty. fees, filed. rm	
6-21	54.	Brief in support of mo/atty fees of defs. Tollesons, filed. rm	
6-22	MO:	Ordered by the Ct. that pltf. is granted 10 days to respond to defs. Tollesons motion for attorney fees. (HDC-J)rm-letter	

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## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>74-C-272</u>
Nationwide Mutual Ins. Co.	Billy M. Hatchett, Sr., et al	PAGE <u>6</u> OF <u>3</u> PAGES

DATE	NR.	PROCEEDINGS
<u>1976</u>		
6-22	55.	Resp. of defts. Tolleson to complainant's motion to set aside S/J, filed. ph
6-25	56.	Response of defts. Hatchett to complainant's mo/set aside SJ, filed. rm
6-25	57.	Appl. of defts. Hatchett for atty. fees (w/incorporation of previous brief), filed. rm
6-25	MO:	Ordered by the Court that pltf. is granted 10 days to respond to appl. for atty fees of defts. Hatchett. (HDC-J)rm-letter
6-25	58.	Judgment, filed and entered, that complaint for declaratory relief be denied and all defts. allowed to go w/their costs. (HDC-J)rm-copies mailed
6-29	59.	Suppl. response of def. Tolleson to mo/set aside judg., filed. rm
6-29	60.	Appl. of pltf. for ext. of time to reply to defts. appl. for atty fee, filed. rm
7-2	61.	Order, filed, granting pltf. till 7-9-76 to reply to defts' appl. for atty fees. (HDC-J)s cps. mld.
7-9	62.	Brief of pltf. in response to appls. for atty. fees of defts. Hatchett, Tolleson and Pearson, filed. rm
7-9	63.	Answer of defts. Pearson to motion of pltf. to set aside SJ, filed. rm
7-15	MO:	Case set for hearing on applic. of defts. Tolleson, Hatchett & Pearson for atty's fees, and motion of Nationwide to set aside S/J in favor of defts. under R. 59 for 8-4-76 at 11:00 a.m. (HDC-J)hm (notice mailed)
7-21	MO:	Case reset for hrg. on appl. of defts. Tolleson, Hatchett & Pearson for atty's fees, and motion of Nationwide to set aside S/J in favor of defts. under R. 59 for 8/13/76 at 11 a.m. (HDC-J)rm-notices mailed
8-2	MO:	Case reset for hrg. on pending motions 8-26-76 at 2:00 p.m. (HDC-J)hm (notice mailed)
8-3	64.	Pltf's appl. for continuance of hearing, filed. ph
8-3	65.	Order, filed, continuing the hearing upon the appl. of defts. Tolleson, Hatchett and Pearson for Attys. Fees and the motion of the pltf. to set aside S/J in favor of the defts, until 8-19-76 at 1:00 p.m. (HDC-J)ph cps mld
8-19	MO:	Case called for hearing on pending motions. Statements made. Pltf's motion to set aside S/J in favor of defts. under R. 59 overruled. Defts' witnesses sworn & testify as to defts' applications for atty. fees. Defts' exhibits admitted into evidence. Pltf. directed to advise Court and parties within 10 days whether it will desire to give further testimony either by affidavit or a hearing. Applications for atty. fees taken under advisement pending notification by pltf. (HDC-J)hm
9-15	66.	Order, filed, that pltf's motion for a new trial is denied; further ordered that defts' separate appl. for attys' fees be taken under advisement and decision deferred to a future date to be announced by the Ct.; further ordered that pltf. be granted until 8-30-76 to make appl. w/Ct. for further hearing and produce expert witness. (HDC-J)ph cps mld

## CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>74-C-272-C</u>
NATIONWIDE MUTUAL INSURANCE		BILLY M. HATCHETT, SR. et al	PAGE <u>7</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
9-28	67.	Order, filed, denying defts. appl. for attys' fees. (HDC-J)ph cps mld	
7-11-80	--	EXHIBITS returned to deft. hm	

